

Patten Trial Resumed at Hospital

TRIB D JUN 27 1950

Dramatic Scene as Defendant Attends Session on Guernsey

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The trial was moved to the hospital when Superior Judge Charles Wade Snook ordered it concluded despite arguments by the defense and the testimony of one heart specialist that resumption would involve a certain amount of risk to Patten.

Patten, a nurse at his side, lay with his eyes closed as his attorney, Herman W. Mintz, went into the closing phase of his argument.

UNUSUAL DRAMA

It was an unusual courtroom drama in the chapel of the Nursing School almost filled with students of the Patten schools. So Patten was, in effect, back in court and church at the same time. It was the first time the debonair 37-year-old defendant had his cowboy boots off in court.

The husband and business manager of Evangelist Bebe H. Patten was wheeled from his hospital room in Providence Hospital across Central Avenue before some 50 Patten students.

Wearing "P" decorated sweaters and carrying American and Academy of Christian Education flags, they lined up in silent tribute to watch Patten pass by. Then they followed into the chapel, where many were seen to say prayers as they took their seats.

TAKES LITTLE NOTICE

Patten, strapped to the guernsey and covered by a blue-blanket, took practically no notice of the proceedings. He lay still and unconcerned as court personnel took their places at three long tables. Judge Snook, using an overstuffed chair for his "legal" bench, sat with his back to the stage curtains. Three deputy sheriffs, all with sidearms, were present to keep order.

Mintz started his argument by telling the court, "let the record show that these proceedings are over the objections of the defendant and counsel."

Then he launched into a resumption of his argument halted last week as the trial, longest in Alameda County criminal history, neared jury deliberations.

MINTZ' ARGUMENTS

Referring to the indictments which charge that Patten bilked his wife's congregation of \$19,670, Mintz asked the jury:

"If Patten is a thief why is he still here today? Why didn't he scam when he had that \$74,000 profit from the sale of the City Club? If he said 'the war is over, we've got all the suckers, lets get out of here?' Why is he still here struggling to meet his obligations?"

"If he had intent to defraud his congregation, why did he expend money in an effort to get a radio station and why is he pouring money into the Patten schools?"

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C. Thomas Patten, ill of a heart attack, lay on a guernsey in an improvised courtroom in Providence Hospital's School of Nursing today as his defense counsel told the jury, "a man doesn't steal who carries a torch before him."

Patten's grand theft trial, which halted abruptly last Wednesday when Patten was stricken, was moved to the hospital after Superior Judge Charles Wade Snook ordered it concluded despite arguments by the defense and the testimony of one heart specialist that resumption would involve a certain amount of risk to Patten.

Patten, appearing wan and sick, with a nurse at his side, lay with his eyes closed as his attorney, Herman W. Mintz, went into the closing phase of his argument.

BECOMES FAINT

Mintz himself became faint and dizzy before the noon recess, which was called 10 minutes early at his suggestion. He appeared not to regard it as serious and explained that he hadn't slept much lately.

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DECORATED SWEATERS

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"If he had intent to defraud his congregation, why did he expend money in an effort to get a radio station and why is he pouring money into the Patten schools?"

His retort to the prosecution's reference to Patten's announced intention of buying a lot at 34th and Broadway was:

"What has that got to do with this case? If anything it shows his efforts to provide his people with a church home and his continual effort toward maintaining a school."

Muffled "amens" came from the audience as Mintz asked, since when has it become a crime to refer to your wife with respect?"

This was his answer to the contention of Asst. Dist. Atty. Cecil Mosbacher that in spite of her fictitious degrees Patten always referred to his wife as Dr. Bebe H. Patten.

"You don't have to forgive Tom Patten for his efforts to maintain a school nor for the purpose of

the school as exemplified by his wife's teachings," Mintz told the jury.

Taking up the prosecution's point that Patten made serious misrepresentations to the Federal Communications Commission in attempting to get a radio station, Mintz said "that is no reason why he is not now able to tell the truth."

"Disabuse your minds if you think a person who has made a false statement cannot afterwards tell the truth," Mintz told the jury. "When you're deliberating on this in the jury room recall your own experiences and see if this has ever happened to you."

Mintz mocked the prosecution contention that it was Patten's intention to defraud his wife's congregation:

"Here is an 'arch, cunning criminal' (the prosecution's term) who hasn't got sense enough to put his property in the name of a dummy."

"All the Patten property has been recorded in the name of C. Thomas Patten and Bebe H. Patten with one exception in the name of Bebe."

The defense counsel claimed it "doesn't make any more sense" to put the property in his own name than to put his numerous bank accounts in his own name if his intent was to defraud.

"Where is all this money Tom Patten is supposed to have stolen?" Mintz asked. "It is not in the bank accounts they have brought here."

Holding that Patten has directed all his efforts into his church and school, his attorney added that "he hasn't been as successful as he should have been. He is still trying to build it up, still trying to make a success, and he will."

The entire audience remained seated as Patten was wheeled out for noon recess and then followed him in processional.

During the morning session, his nurse once placed an additional blanket over her patient.

Judge Shook's decision to continue the trial apparently was based on testimony of a heart

specialist, Dr. Hobart Rogers, appointed by the district attorney's office to examine Patten.

His report yesterday to the court was that Patten's cardiac abnormality is "not acute," and appears to be an old condition not brought about by trial strain.

A court appointed physician, Dr. Norman B. Leet, and Patten's

own specialist, Dr. Harry N. Akesson agreed some risk is involved, in continuing the trial.

The judge, however, rule that delay would cause the defendant more tension than a speedy termination of the trial.

"The end is now in sight and the trial should not take much longer," the judge said.

Patten Trial

Sets Record

TRIB O JUN 25 1950

More Than 80 Court Days Occupied by Sensational Case

By CLYDE HERRING

The C. Thomas Patten grand theft trial has been called correctly the longest criminal trial in the history of Alameda County.

The case in which the business manager - husband of Evangelist Bebe H. Patten was indicted by an Alameda County Grand Jury for bilking members of his wife's congregation of at least \$19,670 in contributions, had set a record of more than 80 actual court days. Whether the trial will be delayed now will depend on reports by physicians Monday on Patten's condition.

The Patten trial eclipses by more than three weeks the Stern abortion case, which in 1947 set a record of 59 court days. The hearing was spread out over three months and two days as compared with four months and a week in the Patten case.

51 COURT DAYS

Another lengthy case was the James E. Cox alleged chemical fraud in 1934, a case that continued for 51 court days over a period of two months and 27 days.

The Golett oil swindle case in 1925 dragged through 111 court days, but that included two trials and one false start. The first hearing required 39 court days, the second 25 days, and the final, 47 days.

The Hoytt oil lands case in 1944 went for 45 days over a period of two months and three days.

Many other cases that have been recalled as "long trials" have proved to be mere infants as compared with the Patten trial. One of these, the "ship murder" case, in which four were found guilty of murder in 1936, extended over a period of less than two months. There were only 26 days of testimony.

STERN CASE

The Stern abortion case extended from April 19 to July 21, 1947 before Judge W. T. Belieu of Extra Sessions Court. The jury, after deliberating 95½ hours, acquitted eight defendants and disagreed on five others. Dr. Samuel M. Stern, Oakland osteopath, central figure in the case, died March

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14, 1947, before the trial opened. The State, represented by Asst. Dist. Atty. Arthur H. Sherry, took six weeks to present its evidence. The defense, surprisingly, rested without calling a single witness.

The case was marked by several interruptions, including death on June 10 of Defense Attorney Frank W. Creely, and a heart attack of another defense lawyer, Lee Sullivan.

In addition, one woman defendant collapsed in the courtroom, one woman was stricken with appendicitis, one man suffered a heart attack, and one alternate juror went AWOL on a vacation trip to Canada.

COAKLEY WAS PROSECUTOR

The James E. Cox "oil bubble" fraud trial, in which Pacific Coast investors were allegedly swindled of \$710,000, was heard by Superior Judge Frank M. Ogden from November 18, 1934 to February 15, 1935. J. Frank Coakley, now district attorney, was the prosecutor.

This was the case in which Cox's company represented to investors that it controlled a secret process for dehydrating crude oil. A laboratory was set up in the courtroom and Cox tried unsuccessfully to produce gasoline from Santa Cruz crude oil by adding a few drops of his secret formula.

Cox was sentenced to 4 to 40 years in San Quentin, three co-defendants also got prison terms, and a fourth was given a year in jail.

Alameda Countians were said to have been bilked of nearly a half million dollars in the \$800,000,000 Golett oil swindle, represented as a merger of U.S. and Mexican oil interests for sale to British interests.

QUENTIN SENTENCE

Of 11 defendants, three were tried and after three attempts were found guilty. James W. Gough, confessed ring leader, pleaded guilty at the outset, and later was sentenced to 10 years in San Quentin. Four others also pleaded guilty.

The first trial opened September 14, 1925 and ended November 24, when the jury was dismissed by Judge Fred V. Wood after 102 hours of deliberation without a verdict — a record for Alameda County. There was a week's delay when the judge became ill and another delay when one of the defendants became ill.

The second attempt opened December 7, 1925 and came to an abrupt halt on January 2, 1926, when Defense Attorney Wilbur S. Pierce was shot and seriously wounded at his Richmond home by an unknown assailant. Judge Wood dismissed the jury.

The third attempt opened March 16, 1926 and ended six weeks later, April 30, when the jury returned a guilty verdict after seven hours deliberation.

SNOOK IN CASE

The prosecutors were Asst. Dist. Atty. Charles Wade Snook, now the superior judge in whose court the Patten case is being heard, and Dep. Dist. Atty. J. Frank Coakley, now district attorney. It was Snook's last case in the District Attorney's office. He had resigned to enter private practice.

The Hoytt oil lands case grew out of activities of Samuel W. Hoytt, Los Angeles real estate dealer, and four associates, charged with grand theft for alleged San Joaquin Valley land transactions involving purchases of more than \$100,000 by Alameda County residents.

The case opened January 3, 1944 and ended March 6, when the jury of six men and eight women, including two alternates, brought in a guilty verdict on 65 counts in less than nine hours. The jury reported at 8:55 p.m., but was not excused until midnight by Judge Ben Jones of Lake County, because Clerk Lawrence Perata was required to read each verdict twice.

The prosecutors were Miss Cecil Mosbacher, now one of the State's attorneys in the Patten case, and Owen Hotle.

Patten to Fight Theft Verdict

Retrial to Be Asked as Jury Finds Him Guilty on 5 Out of 9 Counts; 50-Year Prison Sentence Possible

Evangelist-husband C. Thomas Patten, judged guilty of religious racketeering, today promised a court battle to keep from going to prison for a possible maximum term of 50 years.

He was found guilty on five of nine counts of a grand theft indictment late yesterday in Superior Judge Charles Wade Snook's court by a jury which had deliberated for 10 hours and 48 minutes. The erstwhile debonair 37-year-old defendant brought into court, pajama-clad lying on a gurney, from the Providence Hospital where he is under treatment for a heart condition, heard the verdict without emotion.

VERDICT ASSAILED

Later his wife, Dr. Bebe H. Patten, head of church whose flock he is accused of fleecing, told a Patten College graduating class audience in the Roxie Theater that the verdict was "unfair and unjust."

"Judge Snook was partial and prejudiced through the entire case," she said.

"God is the judge and he'll stand at the door of these people," she warned darkly today.

Patten's chief counsel, Herman W. Mintz, said he will make a motion for a new trial when Patten appears for sentencing Wednesday at 11 o'clock. If that fails, he will appeal the case to the Appellate Court.

FREE ON BAIL

Patten was permitted to remain at liberty under \$15,000 bail.

The decision of the jury of eight women and four men, who sat for 85 days in the case—perhaps the longest in California criminal court history—was concurred in by the presiding judge.

When their verdicts had been confirmed by jury members, Judge Snook commented: "The use of religion for purposes of obtaining money is not to be lightly regarded in any community. I compliment you on the verdict you have reached."

With his head propped on his

should contact the court.

After the jury was dismissed Deasy was critical of the court's statement to the jury declaring, "You have confirmed that the decision is correct, and we expect to appeal."

PATTEN C

50 YEARS; PLANS NEW FIGHT

Continued From Page 1

left hand, Patten commented after court adjourned, "I'm going to take it easy and get a good night's rest."

His wife, Bebe, who sat behind the rail in the audience section, also heard the verdict without emotion, apparently as if she had expected it. Few if any Patten followers were in the court room to hear the jury's verdict.

The jury announced it had reached a decision at 4:45 p.m. yesterday after deliberations which began at 3:20 p.m. Wednesday.

WHEELED TO COURT

At the signal, members of a San Leandro ambulance service who had stood by at the third floor court room since 3 p.m., rushed to Providence Hospital. They arrived with Patten and his wife at 5:20 p.m. but it was another 25 minutes before Patten's physician, Dr. Robert H. Schock, appeared, permitting the court to convene.

As Judge Snook took the bench he warned the spectators that no demonstration would be permitted, regardless of what the verdict might be.

"Demonstrators will be taken

to the county jail," he declared, "and there are plenty of deputies here to enforce the ruling."

An extra force from the sheriff's office were stationed in the corridor of the third floor, but there was no hint of a disturbance.

JURY DECISION

The jury filed into the court room at 5:46 p.m. and Wilber L. Misner, Safeway market employee, who had been named foreman, announced a verdict had been reached.

Judge Snook then instructed Court Clerk W. W. Vaughan to read the verdicts. The guilty verdicts on the third, fifth, seventh, eighth and 10th counts involving \$14,750 were read first, followed by the not guilty verdicts on the second, fourth, sixth and ninth counts.

After the jury affirmed each guilty verdict in unison, Defense Atty. Joseph R. Deasy requested that the jury be polled individually. In each instance the guilty score was unanimous.

The jurors were not polled on the not guilty counts. "Silence is golden," remarked Deasy.

The judge paid high compliment to the jury at the conclusion of the session. He said in his 35

years of law experience he had never seen such a painstaking jury.

"Your close attention and apparent study of the exhibits leads me to believe that you wanted to arrive at a correct and just verdict and your decision indicates the care with which you carried out your task."

Then as Judge Snook scored the use of religion for mercenary purposes, Deasy arose in protest and was in the act of asking that the court be assigned for misconduct, when he was told "you may take your seat."

"The jury has rendered its verdict," Judge Snook commented.

The the court cautioned the jury members against talking about their deliberations and told them if they were approached and felt they needed protection they should contact the court.

After the jury was dismissed Deasy was critical of the court's statement to the jury declaring, "You have confirmed that the decision is correct, and we expect to appeal."

"The record will show your request for assignment," Judge Snook commented as he adjourned court.

SPECIFIC COUNTS

The specific verdicts follow:

Count 2—Richard E. and Freeda M. Borchardt \$1200, not guilty; count 3—same victims \$1250, guilty.

Count 4—George P. and May B. Lewis \$500, not guilty; count 5—\$10,000, guilty.

Count 6—Gustav A. Rode \$2500, not guilty; count 7—\$1000, guilty.

Count 8—Gordon and Elof Hagglund \$1500, guilty.

Count 9—Gussa E. North \$720.20, not guilty; count 10—\$1000, guilty.

Count 1, involving \$1000 of M. Iva T. Burror, was dismissed the prosecution before the case went to the jury, because age and health prevented the victim from appearing in court.

Patten Has

Heart Attack

TRIP G* JUL 1 1953
In Prison

C. Thomas Patten, eligible for parole from Soledad Medium Security Prison August 3, suffered a heart attack Monday night and is confined to the prison hospital, it was learned here today.

Patten will have served three years in San Quentin and Soledad on August 3 for five counts of grand theft.

The strapping Patten was assigned to Soledad nearly a year ago. The warden's office there reported he has been on "light work" assignment while there, because of a heart condition.

He was reported in "good" condition and resting comfortably in the hospital. Last February, at the time his parole date was set, Patten was reported as having lost 72 pounds, and despite a heart condition as appearing "the picture of health."

His wife, Bebe, conducts evangelist services at 2372 Telegraph Avenue. The couple have twin daughters, 3.

Patten to Come Home From Prison Tomorrow

TR 5C AUG 2.- 1953

Big Tom Patten is coming home to Oakland tomorrow after three years in prison, but there will be no celebration or public fanfare for the evangelist by members of his flock.

Patten will come home from Sosedad Medium Security Prison quietly, by private ambulance and be put right to bed. His wife, Dr. Bebe Patten, who will accompany him, described her husband as in "extremely serious" condition from a heart attack he suffered June 29 and which has kept him confined to the prison hospital.

The swashbuckling Patten, noted for cowboy boots, flamboyant clothes and the \$14,750 he was convicted of bilking from his wife's followers for plush living, was found guilty of grand theft in 1950 in the longest criminal trial in Alameda County history.

Patten's name was listed on the complaint as "C. Thomas Patten," and in the course of the

trial he was asked what the "C" stood for.

"Cash," was the jovial reply.

During later sessions of the trial he suffered a heart attack and testimony was taken at his bedside in Providence Hospital. He was convicted and sent to San Quentin.

San Quentin Warden Harley O. Teets described Patten as an ideal prisoner. "He got along with everyone, inmates and officers alike," Teets said. The warden said Patten worked up to become foreman of San Quentin's tobacco factory, "and really knew his tobacco."

A year ago, because he was considered a "good risk," the affable inmate was transferred to Soledad and assigned to clerical work.

GOOD RECORD

"He had a good conduct and good work record here," Soledad's business manager, John Scanlon, said last night. He said Patten's present physical condition "is good enough so that he can be released."

His wife, Bebe, who with her husband has twin daughters, 3 years old, declined to divulge their home address.

"It's just that he will need quiet and rest," she said. "Tom is going to have to take it easy for a long time. He will have special nurses day and night."

Mrs. Patten said her husband's last attack caused "the heart to collapse and he is in serious condition."

Patten, who is 39, is coming from prison on parole weighing 72 pounds less than when he entered.

Bebe Patten Weds Co-Pastor Secretly

IR E OCT 28 1959

At least 300 persons can keep a secret.

That many—and possibly more—knew that Bebe Patten, Oakland woman evangelist and widow of C. Thomas Patten, was married Sept. 28 to the co-pastor of her Christian Temple, John Roberto, a graduate of her seminary.

They knew because they attended a reception at the church, 2372 Telegraph Ave., for a seven-course ham dinner following the wedding, Sept. 28.

And the engagement of the couple had been announced to the congregation the Sunday before, Sept. 27.

But because the couple asked that news of their marriage not go beyond the congregation, it was not publicly revealed until today.

Roberto said they took out

their marriage license in another county sometime before the marriage in an effort to avoid publicity.

Only a few persons attended the ceremony itself at the bride's home, 670 Vernon St. The double ring ceremony was performed by Gary Moncher, newly ordained assistant minister of the church.

The nine-year-old Patten twins, Priscilla and Rebecca, were flower girls, and John Thomas Patten, 5, her son, was ring bearer.

After the church reception, the couple, accompanied by the bride's children, spent a short honeymoon in Pasadena. They returned to take up their ministerial duties.

On their return they were met at the airport by more than 100 students and church members with yells, songs, pom-poms and orchid leis. The pom-poms were held to form

an arch as a red carpet was rolled out for the newlyweds.

The bride will continue to use her church name of "Dr. Patten." She and her late husband came to Oakland some 16 years ago. Patten, a flamboyant southerner, died in 1958.